

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

IA AMERICAN LIFE INSURANCE COMPANY,

Plaintiff,

v.

SYLVANUS OFOMA,

Defendant/Cross-Claimant,

v.

RITA OFOMA, by her Power of Attorney,
Adaobi Ofoma,

Defendant/Cross-claim Defendant.

ORDER

23-cv-306-jdp

This is an interpleader action concerning a putative dispute between Sylvanus and Rita Ofoma over the proceeds of a life insurance policy issued to Gabriel Ofoma, who died on October 12, 2019. The court previously granted IA American's motion to deposit the disputed funds with the court and to dismiss it from this action. Dkt. 24 and Dkt. 26. Sylvanus Ofoma moved for default judgment on his cross-claim against Rita, seeking a declaration that he is the rightful beneficiary of the insurance proceeds and an order that the funds be disbursed to his lawyer's trust account. Dkt. 16. There is no dispute that Sylvanus is the named beneficiary on the policy. *See* Dkt. 1, ¶¶ 9–10.

After receiving notice of the default motion, Rita Ofoma appeared by her Power of Attorney, Adaobi Ofoma. Acting on Rita's behalf, Adaobi Ofoma asserts that Rita does not contest disbursement of the funds to Sylvanus, but she opposes having to pay any attorney fees or costs associated with this action. Dkt. 28. But Sylvanus has expressly waived any fees, costs, and interest against Rita, and IA American was dismissed at its request, so the court won't award any attorney fees or costs. Accordingly, there being no contested issues, the court

finds it appropriate to enter judgment awarding the insurance proceeds to Sylvanus Ofoma and close this case.

ORDER

IT IS ORDERED that:

1. Sylvanus Ofoma is the rightful and legal beneficiary to the proceeds and interest from the policy held by IA American Life Insurance Company, Policy Number Y09030657, which were previously deposited with the clerk.
2. The clerk shall enter judgment in favor of Sylvanus Ofoma in the amount of \$74,735.44, plus any interest that has accrued.
3. The clerk is directed to disburse these funds to “Johns, Flaherty & Collins, S.C. Trust Account” and mail it to:

Johns, Flaherty & Collins, S.C.
Attn: Joseph G. Veenstra
205 5th Ave. S., Suite 600
La Crosse, WI 54601
4. Each party will be responsible for its own attorney fees, costs, and expenses.
5. The November 28, 2023, default hearing is cancelled.

Entered November 13, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge